IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2470 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

HARISH I JINDANI & 6 - Applicant(s)
Versus
THE STATE OF GUJARAT & 1 - Respondent(s)

==========

Appearance :

MR AJAY R MEHTA for Applicant(s) : 1 - 7.
MR.DIPEN DESAI APP for Respondent(s) : 1,
MR RN SHAH for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 10/08/2007

ORAL JUDGMENT

1. Leave to amend as per the Draft Amendment.

2. **RULE**. Learned counsel appearing for the respondent, original complainant, and learned A.P.P. Mr.Dipen Desai waive service.

3. The petitioners, original accused persons, have approached this Court under Section 482 of the Code of Criminal Procedure with the prayer to set aside F.I.R. dated 01.12.2006 registered as I-C.R.No.123 of 2006 in Dahod Town Police Station, Dahod, according to which offences punishable under Sections 143, 186, 188 and 504 of the Indian Penal Code were alleged to have been committed. Admittedly, the substance of allegation was that the petitioners obstructed and humiliated the complainant, Chief Officer of Dahod Municipality, and the president of that Municipality.

4. During the course of admission hearing and while issuing notice to the respondent, this Court had, by order dated 12.03.2007, granted injunction against inquiry and further

proceedings pursuant to the said F.I.R. However, during the course of the proceedings, learned A.P.P. submitted that chargesheet bearing No.27 of 2006 was filed by Dahod Town Police Station on 05.04.2006 and hence, by the Draft Amendment allowed today, the petitioners have also prayed for quashing the chargesheet which is alleged to have been filed in defiance of the aforesaid injunction issued by this Court.

5. It was submitted during the course of arguments that petitioner No.1 had, on behalf of the accused persons, tendered unconditional apology in writing to the Chief Officer and the President of Dahod Municipality, of which copies were placed and taken on record, and that they were accepted. Therefore, the original dispute and complaint of the complainant was stated to have been amicably settled and hence, the petition was requested to be allowed so as to end unnecessary prosecution and litigation among the parties.

6. Therefore, by consent, petition is allowed with the direction that aforesaid F.I.R. dated 01.12.2006 bearing I-C.R.No.123 of 2006 lodged in Dahod Town Police Station, Dahod and chargesheet submitted on that basis and all the proceedings pursuant to the said F.I.R. shall stand quashed. Rule is made absolute accordingly with no order as to costs.

(D.H.WAGHELA, J.)

Hitesh